

S/N Unknown

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ronald C. Lundquist et al.

Examiner: Benzion

Serial No.: Not assigned

Group Art Unit:

Filed: Herewith

Docket: 950.005US7

Title: FERTILE TRANSGENIC CORN PLANTS

PRELIMINARY AMENDMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

Prior to examination of the above-identified Patent Application, please amend as follows:

IN THE SPECIFICATION

On page 1 delete lines 4-8 and replace with the following paragraph:

This application is a divisional of U.S. patent application Serial No. 08/619,077 filed March 20, 1996; which is in turn a divisional of Serial No. 08/285,488, filed August 3, 1994, now U.S. Pat. No. 5,508,468; which is in turn a continuation of Serial No. 07/636,089, filed December 28, 1990, abandoned; which in turn is a continuation-in-part of Serial No. 07/508,045, filed April 11, 1990, U.S. Pat. No. 5,484,956, which is in turn a continuation in part of Ser. No. 07/467,983, filed January 22, 1990, abandoned; and this application is also a continuation-in-part of U.S. patent application Serial No. 08/677,695 filed July 10, 1996.--

IN THE CLAIMS

Cancel claims 2-9, without prejudice or disclaimer, and add the following claims:

10. A process for producing a fertile transgenic *Zea mays* plant comprising the steps of (i) bombarding intact regenerable *Zea mays* cells with DNA-coated microprojectiles; wherein said DNA comprises a preselected DNA sequence encoding a *Bacillus thuringiensis* endotoxin, wherein the preselected DNA sequence is adjusted to be more efficiently expressed in *Zea mays* than the native *B. thuringiensis* DNA sequence encoding said endotoxin; (ii) identifying a population of transformed cells comprising said preselected DNA sequence; and (iii) regenerating a fertile transgenic plant therefrom,